

1985 Wisconsin Act 306

AN ACT to amend 939.66 (1) to (4) and 939.66 (4m); and to create 939.66 (6) and 940.285 of the statutes, relating to abuse of vulnerable adults and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.66 (1) to (4) of the statutes are amended to read:

939.66 (1) A crime which does not require proof of any fact in addition to those which must be proved for the crime charged; ~~or.~~

(2) A crime which is a less serious type of criminal homicide than the one charged; ~~or.~~

(3) A crime which is the same as the crime charged except that it requires recklessness or negligence while the crime charged requires a criminal intent; ~~or.~~

(4) An attempt in violation of s. 939.32 to commit the crime charged; ~~or.~~

SECTION 2. 939.66 (4m) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

939.66 (4m) A crime of failure to timely pay child support under s. 940.27 (2) when the crime charged is failure to pay child support for more than 120 days under s. 940.27 (1); ~~or.~~

SECTION 3. 939.66 (6) of the statutes is created to read:

939.66 (6) The crime specified in s. 940.285 when the crime charged is specified in s. 940.19 (1m), (2) or (3), 940.225 (1), (2) or (3) or 940.30.

SECTION 4. 940.285 of the statutes is created to read:

940.285 Abuse of vulnerable adults. (1) In this section:

(a) "Developmentally disabled person" has the meaning specified in s. 55.01 (2).

(b) "Infirmities of aging" has the meaning specified in s. 55.01 (3).

(c) "Mental illness" has the meaning specified in s. 55.01 (4m).

(d) "Other like incapacities" has the meaning specified in s. 55.01 (5).

(e) "Vulnerable adult" means any person 18 years of age or older who either is a developmentally disabled person or has infirmities of aging, mental illness or other like incapacities and who is:

1. Substantially mentally incapable of providing for his or her needs for food, shelter, clothing or personal or health care; or

2. Unable to report cruel maltreatment without assistance.

(2) Any person, other than a person in charge of or employed in any facility enumerated in s. 940.29, who intentionally subjects a vulnerable adult to cruel maltreatment is guilty of a Class A misdemeanor. Cruel maltreatment includes, but is not limited to, any of the following conduct:

(a) Conduct which causes or could reasonably be expected to cause bodily harm.

(b) Restraint, isolation or confinement which causes or could reasonably be expected to cause bodily harm or mental or emotional damage, including harm to the vulnerable adult's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal, regression or outward aggressive behavior or a combination of these behaviors. This paragraph does not apply to restraint, isolation or confinement by order of a court or other lawful authority.

(c) Cruel deprivation of a basic need for food, shelter, clothing or personal or health care, including cruel deprivation resulting from the failure to provide or arrange for a basic need by a person who has assumed responsibility for meeting the need voluntarily or by contract, agreement or court order.

SECTION 5. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
949.03 (1)(b)	940.28	940.28, 940.285